

Chapter II

The Grim Struggle between Right and Wrong, and the Latter Carries the Day

Woe unto them that decree unrighteous decrees, and that write grievousness which they have prescribed; To turn aside the needy from judgment, and to take away the fruit from the poor of my people, that widows may be their prey, and that they may rob the fatherless. Isaiah.

On February 18, 1913, General L. Lemmer, member for Marico, Transvaal, asked the Minister of Lands: -- (a) How many farms or portions of farms in the Transvaal Province have during the last three years been registered in the names of Natives; (b) what is the extent of the land so registered; and (c) how much was paid for it?

The Minister of Lands replied: (a) 78 farms; (b) 144,416 morgen; and (c) £94,907.

Some very disturbing elements suggest themselves in this question and in its prompt answer. A question of the kind should have taken some time to reach Pretoria from the seat of Parliament; more time to search for and compile the necessary information, and further time to get the answer to the Table of the House of Assembly in Capetown. For instance, on March 11 Mr. T. L. Schreiner called for an explanation in connexion with the same return. He had to ask again on April 1, the answer in each instance being that the required "information had been telegraphed for and would be laid on the table when it is available" (*vide Union Hansard*, pp. 777 and 1,175). It was only on May 13 -- two months and two days after -- that an answer to Mr. Schreiner's question of March 11 could be furnished.

Again, on May 20 Mr. Schreiner called for a similar return, embracing the four Provinces of the Union.⁽¹⁾ If it were so easy for General Lemmer to get a reply in regard to the Transvaal, where most of the registration took place, it should have been relatively more easy to add the information from the Cape and Natal, since no registration could have taken place in the Orange "Free" State, where Natives cannot buy land. But strange to say, all that Mr. Schreiner could get out of the Minister was a promise to furnish a reply when it is available, and it does not appear to be on record that it was ever furnished during that session. Therefore, a Native cannot be blamed for suspecting that when General Lemmer asked his question, the return was "cut and dried" and available to be laid on the table as soon as it was called for.

Another significant point is that the questioner did not want to know the extent of land bought by Natives, but of the land "registered in their names" during the period; and Mr. Schreiner was able to show later in the session by an analysis of the return that it mainly comprised land awarded to Native tribes by the Republican Government, some of it when they conquered the country. They include farms bought or awarded to Natives as long ago as the early 60's and 70's, but the owners were not able to obtain titles as the late Republican Government did not allow Natives to register land in their own names. They had been held in trust for them by European friends or missionaries, and it was only during the last three years that the owners claimed direct titles, which right was restored to them since the British occupation.

But the Lemmer Return did its fell work. It scared every white man in the country. They got alarmed to hear that Natives had during the past three (!) years "bought" land to the extent of 50,000 morgen per annum.

Thanks to Mr. Schreiner's questions, however, the misleading features of the statistical scarecrow were revealed -- but, unfortunately too late.

Origin of the Trouble

On February 28, 1913, Mr. J. G. Keyter (a "Free" State member) moved: That the Government be requested to submit to the House *during the present session* a general Pass and Squatters Bill to prohibit coloured people (1) from *wandering about without a proper pass*; (2) from *squatting on farms*; and (3) from *sowing on the share system*.

Mr. T. P. Brain,⁽²⁾ another "Free" Stater, seconded the motion.

Mr. P. G. W. Grobler,⁽³⁾ a Transvaaler, moved (as an amendment) to add at the end of the motion: "and further *to take effective measures to restrict the purchase and lease of land by Natives*."

Mr. Schreiner strongly protested against both the motion and the amendment.

The Minister for Native Affairs⁽⁴⁾ spoke somewhat against Mr. Keyter's motion but promised to comply with Mr. Grobler's amendment, which promise he redeemed by introducing a Natives' Land Bill.

Before the Bill was introduced, the Minister made the unprecedented announcement that the Governor-General had given his assurance that the Royal Assent would not be withheld from the Natives' Land Bill. Section 65 of the South African Constitution provides that the King may disallow an Act of Parliament within twelve months after the Governor-General signed it. And the abrogation of the Constitution, as far as this Bill is concerned, literally gave licence to the political

libertines of South Africa; as, being thus freed from all legislative restraint, they wasted no further time listening to such trifles as reason and argument.

The following are extracts from the debates on the Natives' Land Bill as reported in the Union Hansard of 1913:

The adjourned debate on the motion for the second reading of the Natives Land Bill was resumed by **Mr. J. X. Merriman** (Victoria West). It was with very great reluctance (the right hon. gentleman said) that he rose to speak on this measure. It would have been more convenient to have given a silent vote, but he felt, and he was afraid, that after many years of devoted attention to this question of the native policy of South Africa, he would not be doing his duty if he did not give this House -- for what it was worth -- the result of his experience through these years.

He should like to emphasize a brighter side of the question, and that was to point out that the Natives, if they were well managed, were an invaluable asset to the people of this country. (Hear, hear.) Let them take our trade figures and compare them with the trade figures of the other large British Dominions. Our figures were surprising when measured by the white population, but if they took the richest Dominion that there was under the British Crown outside South Africa, and took the trade value of those figures per head of the white population, and multiply those figures by our European population, then they might very well apply any balance they had to our native population, and then they would see, strangely enough, that upon that basis it worked out that the actual trade of three Natives was worth about that of one white man. That, of course, was a very imperfect way of looking at the value of these people, because the trade value of some of these Natives was far greater than the trade value of some of our white people. He had merely indicated these trade figures to show what an enormous asset we had in the Natives in that respect. Let them think what the industry of the Natives had done for us. Who had built our railways, who had dug our mines, and developed this country as far as it was developed? Who had been the actual manual worker who had done that? The Native: the coloured races of this country. We must never forget that we owed them a debt in that respect -- a debt not often acknowledged by what we did for them. Proceeding, he said that they ought to think what they owed to the docility of the Natives, and the wonderfully easy way in which they had been governed when treated properly. He also paid a tribute to the honesty of the Natives.

What must strike any one was the fact that though this Bill was really, to a certain extent, a beginning, or was thought to be in certain quarters, of a revolution in their dealing with the native races, it was not even mentioned in the speech of the Governor-General. It fell upon them like a bolt from the blue. He remembered the afternoon. They had heard a very impassioned and very heated speech from the hon. member for Ficksburg on the enormous danger of squatting in the Free State, and that was the occasion for introducing a general statement of the policy of the

Government towards the Natives and the introduction of this Bill. He did not think that that was the way they liked to see a thing of this magnitude approached. They often heard demands for what was called a general declaration of policy with regard to native affairs -- a policy which should be applied to the highest civilized Native, the owner of a farm, and the naked barbarian. They could not do it. People who demanded a general declaration of that kind had not had the experience which some of them had had. The hon. member who spoke before him said that he was in favour of the underlying principle of the Bill. What was the underlying principle? The underlying principle was what one read into the Bill. One hon. member read into it that it was the separation of the two races. That might have been done when the two races first came in contact at the Fish River, but it could not be done now. Since then they had been developing the country with the labour of these people. They had been advancing by our aid. They had mixed themselves up with these people in an inextricable fashion and then some said "Haul your native policy out of the drawer and begin with a policy of separation." He was sure that the hon. member who had brought in the Bill had no idea of that sort in his mind. Another person had the idea that they were going to set up a sort of pale -- a sort of kraal in which they were going to drive these people. Then another gentleman sneered at the policy hitherto adopted, and he said that one side said that the policy towards the Natives should be firm and just, while the other side said that it should be just and firm.

It seemed to him that they had not got sufficient information. Beyond the bald statistics which were given by the Minister in the course of his interesting and moderate speech, they had nothing. They were going into a thing that would stir South Africa from end to end, and which affected hundreds of thousands of both races. They had no information as to what were the ideas of the Natives. It was unfortunate that, owing to this lack of information, wrong ideas had got about with regard to this Bill. It was difficult to find out what the Native thought about these things; he doubted whether anybody could say that he had got at the mind of the Native. The only way, and he must say that he did not take it as a real indication, was what they wrote in their newspapers. He was alarmed, but not surprised, at some of the articles in their newspapers, because they took their views from the heated speeches and writings in party newspapers all over the country, and they were very much alarmed. He thought that before a Bill of this sort was passed, there should be some attempt made to get their views. As far as one section was concerned, the Bill was going to set up a sort of pale -- that there was going to be a sort of kraal in which all the Natives were to be driven, and they were to be left to develop on their own lines. To allow them to go on their own lines was merely to drive them back into barbarism; their own lines meant barbarous lines; their own lines were cruel lines. All along they had been bringing them away from their own lines. It reminded him of what an English writer said about a similar policy in Ireland, because when the English went to Ireland they regarded the Native Irish in the way some extreme people here regarded the Natives of South Africa. They

thought they would root them out. They treated them as dogs, and thought that they were dogs. They set up a pale. They set the Irish within that pale, to develop upon their own lines, but there were always Englishmen living in that pale, just as in the same way they found Europeans living among Natives. Sir George Davis in describing this policy wrote that it was the intention of the Government to set up a separation between English and Irish, intending in time that the English should root out the Irish. If they changed the Irish for Natives they would see how the illustration would apply. A policy more foredoomed to failure in South Africa could not be initiated. It was a policy that would keep South Africa back, perhaps for ever. (Hear, hear.) What would be the effect of driving these civilized Natives back into reserves? At the present time, every civilized man -- if they treated him properly -- every civilized man was becoming an owner of land outside native reserve, and therefore he was an asset of strength to the country. He was a loyalist. He was not going to risk losing his property. He was on the side of the European. If they drove these people back into reserve they became our bitterest enemies. Therefore, he viewed anything that tended that way with the gravest suspicion. Again, in this Bill there was not sufficient distinction between those Natives who tried to educate themselves and the ordinary raw barbarian. They were all classed under the word "Native".

He came now to what was the main object of the Bill, and that was: to do away with the squatting evil. Why was there a squatting evil? Was it the fault of the Native? (An hon. member: No.) Was it the fault of the law? (No.) They had got the most stringent laws concerning Natives of all the laws in the whole country, in the Province of which his hon. friend (Mr. Keyter) was a member. He did not think anything was more surprising than when they came to look at the increases in the native population in the Orange Free State. They had a huge native population in the Cape, and the increase during the census periods from 1904 to 1911 -- he wanted hon. members to pay some attention to this, because it showed the value of legislation -- the increase in the Cape Province during that period was 8.33 per cent. In Natal, which had a huge -- in fact, an overwhelming -- native population, curiously enough, the increase was the same, even to the actual decimal figure, viz., 8.33 per cent.: but some allowance must be made, because a large number of Natives were out at work in the mines. Now, in the Transvaal -- and in taking the Transvaal figures these did not apply as regarded squatting, because the increase was mainly due to the number of Natives employed in the mines. In the Transvaal the Natives increased by 30.1 per cent. Now, when they came to his friend's little State, where the most stringent laws were made to keep out the Natives, how much did they suppose the Natives increased in the Free State? By no less than 44 per cent. (Opposition cheers.) Was that the fault of the Natives? No, it was because -- having the most stringent laws -- the people found it best to evade those laws. (Hear, hear.) He hoped his hon. friend would be a little tolerant. Do let him pick the mote out of his own eye before he tried to pick the beam out of other people's. (Hear, hear.) In the Free State these laws were very severe; for instance,

punishments -- amazing punishments -- were given, and yet the result was the increase in five years by 44 per cent. of their native population. This was something that they should take a warning by. They were going to do away with the squatter in appearance, but he would still survive as a labour tenant. They might do away with the labour tenant, and he would still be surviving as a labour servant. How was the Government to distinguish between these? They had in the Cape a law which stated how many labour tenants a man should have upon his farm.

What they wanted in this country was administration and not more legislation, and if they were to put the laws which they had into force in the Free State at the present time he had no doubt that there would be a rebellion. (Hear, hear.) They would have platforms swarming with people who would say that they could not grow one bag of mealies without the Natives. But they had the laws to do it. Now they went and tried in this Bill to make a uniform law. Turning towards the Minister, Mr. Merriman said: "My poor friend! that after all the years we had laboured together he of all people should be the author of a uniform law on native matters! (Laughter.) I say this more in sorrow than in anger -- (laughter) -- because the conditions were totally different in the four Provinces."

In the Free State, proceeded Mr. Merriman, the people had most excellent laws from their point of view for keeping out the Natives -- stringent, Draconian, and violent laws, but they were not carried out, and the Natives had flooded the country. All they wanted to do was to turn the Native from a tenant to a labour tenant, and then salvation would be at hand. He could not see very much difference between the two, except that one was a contented advancing man and the other a discontented man approaching very closely to the Russian serf -- he was a soul. Shortly we should hear of a farm being up for sale with so many souls.

In the Transvaal the problem had been complicated by the decisions of the Court and the curious way in which some ground had been given out in the Zoutpansberg district, where, he was told, farms had been given out on which the Natives had been living for years, and these farms -- with the Natives on them -- had come into the possession of companies and individuals, and now it was proposed to turn the Natives off. That would not be an agreeable thing, but he would not offer an opinion now as to the justice of it.

He would like to revert to the state of things which had grown up under the Draconian laws of the Free State. According to a very interesting Blue-book containing reports of magistrates, one magistrate had reported that "the pernicious system of squatting was detrimental to the working farmer, the Native reaping the whole of the benefit." The man who worked generally reaped the whole benefit in the long run. In the Harrismith district there were some 40,000 Natives against some 8,000 Europeans. How did they get there? Having been a Free State burgher he knew that the Natives had not forced their way in. These Natives ploughed on the half-shares, and he would like to know whether they were labour tenants or squatters. If they were squatters it would require very little dexterous management

to convert them into labour tenants. The Magistrate of Hoopstad, went on Mr. Merriman, had referred to the pernicious system of native squatters. But why did not the Free State magistrates do something and put the law in force? That was the principal reason why the House was forced to pass that Bill without information, and without giving any opportunity to people who had the deepest interest in this matter to have their views heard, or to let them know what the House was going to do because the magistrates in the Free State would not enforce the law. He did think that was rather hard. In conclusion Mr. Merriman said: I dare say I may have said a great many things which may be distasteful to my hon. friends, but I do claim their attention because at a time when they were not in such a dominant position as they are now, I pleaded for right and justice for them. Therefore, they should not take it amiss from me, because now they are in a dominant position, I plead also for justice, toleration, moderation, and delay in this matter.

Mr. H. Mentz (Zoutpansberg) said the right hon. gentleman had earned their gratitude for the high tone in which he had carried the debate. The speech which he had delivered was a most instructive one, and although the speaker was not in entire agreement with him on all points, he was in agreement on the point that the matter was one to be handled with prudence, but it was to be regretted that under the Bill a Commission was to be appointed. The Minister should not listen to the request for a postponement of the question, by referring it to a Select Committee. If they were to refer the Bill to a Select Committee, it would never be passed this year.

Mr. G. L. Steytler (Rouxville) expressed his thanks to the Government for bringing forward the Bill. He said he felt that it was not a complete solution of the whole question, but it was certainly a step in the right direction.

Mr. A. Fawcus (Umlazi) said that as the representative of 70,000 Natives in Natal, not one of whom so far as he knew had a vote, he should like, on their behalf, to thank the right hon. member for Victoria West for the manner in which he had handled this question. In the course of his speech the right hon. gentleman asked, what did the Natives think about this Bill before the House? His (Mr. Fawcus') opinion was that the Natives did not think anything at all about it. He should not think there was one Native in a thousand in South Africa who was aware that this matter, so vitally affecting their future, was at present at issue. The hon. member for Middelburg had referred to the Natives as "schepsels".⁽⁵⁾ He believed the day was rapidly passing away when we should refer to Natives as "schepsels". They were an easy-going folk, and they thought little about title deeds and land laws. So great was the Native's attachment to the land on which he lived, in many instances, that they could not rackrent him off it. These were the people that the Bill wished to dispossess and drive off the land. The figures placed before them showed that *the land held by Europeans per head was fifty times the amount held per head by the Natives*. Surely there was no need at the present time for legislation which would prevent Natives getting a little more land than they now had. He did not

think it could be put down to the fault of the Native if he was willing to buy and live on land rather than pay rent. The figures given in this connexion were very instructive. *Eight acres per head were held by the Natives in the Cape, six acres in Natal, about 1½ acres in the Transvaal, and about one-third of an acre in the Free State.* He thought this Bill was perhaps coming on a little before there was any necessity for it.

Mr. C. G. Fichardt (Ladybrand) said he felt very much that the Bill that was before the House did not carry out all that should be carried out, and that was equality of justice. *If they were to deal fairly with the Natives of this country, then according to population they should give them four-fifths of the country, or at least a half.* How were they going to do that? As he said in the earlier part of his remarks, he was prepared to accept the Bill as something to go on with, but he hoped that in the future it would not constitute a stumbling-block. He would much rather have seen that the matter had been gone into more fully, and that some scheme had been laid before them so that they might have more readily been able to judge how the Bill would work. It was because of all these difficulties that he felt that they could only accept the Bill if it laid down that there was no intention of taking the country from the white people and handing it over to the blacks.

Mr. J. G. Keyter (Ficksburg) said he wished to openly denounce, and most emphatically so, that the people or the Government of the Orange Free State had treated the coloured people unreasonably or unjustly, or in any way oppressively. On the contrary, the O.F.S. had always treated the coloured people with the greatest consideration and the utmost justice. The O.F.S. had made what Mr. Merriman called stringent laws. He (Mr. Keyter) called them just laws. *They told the coloured people plainly that the O.F.S. was a white man's country, and that they intended to keep it so. (Hear, hear.) They told the coloured people that they were not to be allowed to buy or hire land, and that they were not going to tolerate an equality of whites and blacks; and he said that they were not going to tolerate that in the future, and if an attempt were made to force that on them, they would resist it at any cost to the last,* ⁽⁶⁾ *for if they did tolerate it, they would very soon find that they would be a bastard nation. His experience was that the Native should be treated firmly, kept in his place and treated honestly. They should not give him a gun one day and fight him for it the next day. They should tell him, as the Free State told him, that it was a white man's country, that he was not going to be allowed to buy land there or to hire land there, and that if he wanted to be there he must be in service.*

Mr. J. A. P. Van Der Merwe (Vredefort) deprecated sending the Bill to a Select Committee, arguing that the House itself should decide it. He referred to the difficulties experienced by farmers in the Free State. If a farmer refused to allow a Native to farm on the share system he simply refused to work. There were thousands of Natives on the farms there who hired ground and did little work. The farmers had to keep their children at home to do the work. Some of the Natives

hired ground, did some sowing, then went to work in Johannesburg, and paid the owner of the farm half what he reaped from the harvest. That was not satisfactory. He was pleased to see the provisions the Minister proposed to make in this regard, and expressed the hope that the Native would only be tolerated among the whites as a labourer. The Bill would meet what he considered a great want, and, as it was an urgent matter, he hoped the proposal for a Select Committee would not be agreed to.

Third Reading Debate.

Sir Lionel Phillips (Yeoville): But why should a Bill of this sort be brought before them now? The Government in the past had not been bashful in the appointing of Commissions, and one question he would ask was why, in this important matter, the Government had not appointed a Commission to take all the evidence and then come to the House with a measure which the House would have to approve of. Instead of that, they were cancelling the rights the Natives had in South Africa, and creating a very awkward hiatus between the time the Commission would be appointed and the time the Commission could define the areas which would be regarded as white areas and the areas which would be regarded as native areas. That was the one serious blot upon this measure.

He could see no justification, except that the hon. Minister, yielding to pressure from a certain section on that side of the House, had hastily brought on this measure. He thought from the speeches made in the House it was the consensus of opinion that Natives should not have farms in areas that were essentially white, just as it was desirable that white men should not be found in areas essentially native. And especially when they told the native population that they were taking away from them a right they had to-day, and they were going to substitute that right by appointing a Commission, they were giving them very little justification for being satisfied with this measure. He did not think they were going to gain anything by putting the cart before the horse. He did not know if Mr. Schreiner was accurate, but he told them that, roughly, in the Transvaal, where the matter was most acute, the Native population had bought something like 12,000 or 15,000 morgen of land in twelve years. That, he thought, showed there was no extreme urgency for the measure. To that extent he agreed entirely with the hon. member, and he believed the Minister would be well advised to send the Bill to a Select Committee, so that many of the details, which were extremely complicated and difficult, might be thrashed out in that atmosphere, rather than on the floor of the House. (Opposition cheers.)

Mr. E. N. Grobler (Edenburg) said: The present was one of the best measures that the Government had so far brought forward, and it appeared clear that they had a Government which truly represented the wishes of the public. It was impossible to delay the solution of the Native problem, and legislation on the subject had for a long time past been asked for.⁽⁷⁾ At the same time, he did not entirely agree with

the methods, proposed to be applied, and he did not like the system of allocating reserves for Natives. When once those reserves had been allocated, would it not result in injury to agriculture and cattle breeding? The farmers would suffer from lack of labour, and that deficiency would be a growing one. Neither could he agree to the principle of expropriation of land belonging to whites in order to increase the size of the native reserves. He considered the Bill was a complicated one. The matter should be settled by way of taxation, in the following way. All Natives who were in the service of whites should be exempted from taxation, and treated as well as possible, and other Natives should be encouraged to take similar service. There were enormous reserves where the Natives could go and live,⁽⁸⁾ and if they refused to go there they should be required to pay a stiff tax. Then they would go and work for white people. The hon. member for Tembuland had offered many objections to the Bill. They should make that hon. member king of Tembuland. In a country of the blind a man with one eye would be king.

Mr. P. Duncan (Fordsburg) said he hoped the Minister would not take the view of the last speaker. Under the Bill it would be possible for farmers to accumulate on their land as many Natives as they could get, so long as they could use them as servants. (Labour cheers.) So far as he could see, even if it were carried out to the extent that it was proposed to go, it would not very much reduce the social contact which at present existed between whites and natives.

Sir W. B. Berry (Queenstown) said he would like to know why the Minister had run away from the Bill that had passed the second reading, and now tabled another Bill in the shape of many amendments. One would naturally complain that, seeing that they had in that House a Native Affairs Committee, a non-party committee, specially chosen to consider all matters relating to native affairs, that Bill, which was a most important matter and dealt with native affairs from A to Z, should have been referred to that committee. The same thing happened last session in reference to a Bill the Minister of Native Affairs kept on the paper until nearly the end of the session, and the House had to take the very unusual step almost on the last day of moving that committee proceedings on that Bill be taken that day six months. He (Sir W. B. Berry) proposed to move a similar amendment to the motion now before the House. In the remarks he addressed when the Bill came up for second reading he had ventured to say that there was no call for a bill of that nature at all; there was no need for a Bill revolutionizing the attitude of the Union with respect to the natives generally. The only clue they could get to the reason why the Bill was introduced was that a few die-hards on the other side of the House had given the Minister to understand that unless he brought in a Bill of that kind, or of a similarly drastic nature, the position of the Government was in danger. He hoped some of these die-hards would come forward that evening and tell them plainly and bluntly why they wanted that Bill, why they were going to thrust it on the country without any notice, and why they were calling on the House to revolutionize the whole tenour and the whole order of things in regard to land matters as far as the Natives were concerned. Proceeding, the hon. member said the only justification that had

been offered for this Bill was that a large amount of land had been transferred from Europeans to Natives. An analysis of the return, however, showed that only sixteen farms in the Transvaal had been so transferred during the last three years. Surely that was not any justification why the European people of the Union should get into a panic and why the administration of the day were seeking to place on the Statute Book this most drastic legislation. Another reason why he objected to this Bill was that it purported to appoint a Commission to investigate to what extent and in what parts and in what time land should be selected by the Commission for the purpose of being reserved as additional native areas within the Union. They were not given any guarantee that the Commission was going to be appointed nor any guarantee that it would ever report, but at the same time whilst these indefinite assurances were attempted to be given to the House there was no getting over this fact, that there was no time limit in the Bill by which the real enacting clause in the Bill was to have any cessation. When he spoke on this Bill before he supported it only on the understanding that a time limit was to be put in, or that it should be an annual Bill. He said unhesitatingly that the whole tendency of the Bill, as it stood at the second reading, and more especially as it stood with the amendments by the Minister on the notice paper, was to drive the Native peasant off the land. The only refuge that that Native had was the town.

The country had not been prepared in any way for a Bill of this kind. A cry had been heard throughout the land against the iniquities proposed in the Bill. If it had been found absolutely necessary that legislation of this kind should be introduced, the least that could be expected was that ample time should be given to the Natives to thoroughly acquire a knowledge of the contents of the measure. That opportunity had not been given them, and in this respect there was a very serious grievance. For the good order and peace of the Union there was a very great danger ahead. He had understood from those well versed in native affairs that one of the greatest dangers that could threaten us was to give the Natives anything in the shape of a common grievance. Divide and rule had been a wise precaution in the government of the Natives. When a common grievance was found by four or five million people one could understand how great that grievance must be. One amendment the Minister had put on the paper must give serious pause. The late Minister of Native Affairs issued to members last session a Squatters Bill. The greatest objection to that measure, and one which he thought led to its withdrawal, was that it proposed to remove thousands upon thousands of natives from land which they had been in the occupation of for scores of years. It was in consequence of the disturbance which that Bill caused throughout the Union that it was withdrawn. In one of the amendments on the paper the present Minister of Native Affairs brought back in a somewhat clandestine manner the most objectionable feature of the Bill that was withdrawn.

Mr. Speaker: The amendment is not yet before the House.

Sir W. B. Berry: What Bill is it then that is to go into Committee? (Hear, hear.) Is it the Bill which was read a second time or the Bill comprised in the Minister's amendments? He moved that the House go into committee on the Bill this day six months.

Mr. T. L. Schreiner (Tembuland), in seconding the amendment, said that sufficient notice had not been given of the provisions of the Bill, although the Natives, thanks to the time which had elapsed since the second reading, were better acquainted with the measure than they were a little while ago.

Mr. Schreiner proceeded to quote opinions from native newspapers on the Bill. The *Tsala ea Batho*, of Kimberley, said: "We are standing on the brink of the precipice. We appealed to certain members of Parliament against the suspension clause in Mr. Sauer's Land Bill, and the result of our appeal has been an agreement between Sir Thomas Smartt and the Minister to the effect that the first part of the Bill only be proceeded with. The effect of this agreement is infinitely worse than the whole Bill. In its entirety, there were certain saving clauses, one of them practically excluding the Cape Province from the operation of the Bill. Under the present agreement, all these clauses are dropped, and section 1 of the Bill, which prohibits the sale of land between Europeans and Natives (pending the report of a future Commission) is applicable to all parts of the Union, including the Cape Province. Now, then, if this suspension clause becomes law, what is going to happen? It is simply this: That the whole land policy of the Union of South Africa is the land policy of the Orange Free State, and it will be as difficult to abrogate that suspension as it is difficult to recall a bullet, once fired through some one's head, and resuscitate the victim. Our object then should be to prevent the pistol being fired off, as prevention is infinitely better than cure." One paper that he was quoting from was (Mr. Schreiner went on to say) pleased, because it believed that this Bill was going to Select Committee. There was another native paper, published in Natal, which acknowledged the efforts which the missionaries had made on behalf of the Natives in regard to this Bill. There was a native paper, published at Dundee, which said that, if the Bill were in the interests of the Natives, and the Government were actuated by a sincere regard for them, they would not have hesitated to publish it broadcast, instead of being in such haste to push the matter through the House.⁽⁹⁾

Mr. Schreiner (continuing) referred to the resolution passed by the Natal Missionary Conference, and the views expressed by the Chairman of the Transvaal Missionary Conference in opposition to the Bill. He mentioned that it had been decided in Johannesburg to call a meeting of missionary societies throughout the Union, to determine what action could be taken in case clause 1 was proceeded with. He had also received a telegram from the Witwatersrand Church Council, stating that a telegram had been sent to the Minister strongly protesting against section 1 being enacted before the proposed Commission had thoroughly investigated the whole question of alternative areas. Mr. Schreiner urged that, if they proceeded with this Bill, and passed clause 1 of the old Bill, and appointed a Commission, these

restrictions with regard to purchase and sale, which the Natives had feared, and which the missionaries, on behalf of the Natives, feared and protested against, would become a fact. For that reason, he said they should rather put off the Bill.

Every one was feeling the pressure of their legislative duties. Was this the time, therefore, for passing a measure of such a far-reaching character, and where every clause demanded the most careful consideration and scrutiny? Was it the right thing because he had a majority at his back for the Minister to say that they must get this Bill through this session? He held that this was not right. It was not fair to those who had the solution of the question at heart. (Cheers.)

Sir E. H. Walton (Port Elizabeth, Central) said he entirely supported the amendment of the hon. member for Queen's Town. He had a telegram from a mass meeting of Natives held in Port Elizabeth, in which they hoped that the House would postpone decision on this question until the Commission had sat and reported. That seemed to him an entirely reasonable request, and it seemed all the more necessary that this should be done on account of the very large alterations that it had been found necessary to make in the Bill.

They had native protests from all parts of South Africa against this measure, and when one saw what was proposed in this Act, they could not wonder at these protests. (Hear, hear.) Therefore he put it that these protests should receive fair consideration from members on all sides of the House. Legislation of this kind was unfortunate from the point of view of the Natives. The more intelligent of the Natives in this country were asking for time. They said: "You are putting this thing upon us, give us time to consider it. Allow this Commission to get to work, allow this Commission to put before us the provisions you are going to make for us, and when this is done we will submit to anything that is fair." No man, and the Native was just a man like the rest of us, liked the old arrangements to be disturbed, because it upset him, and the Native might oppose it, because he was frightened. They must admit that they had not given the native leaders and chiefs an opportunity to come down to Cape Town and give their views. It was unfortunate that this measure had been more or less rushed. There was no mention of it in the Governor-General's speech, and therefore the Natives were not prepared for the consideration of the question.

Mr. M. Alexander (Cape Town, Castle) said he was still of opinion that a very dangerous principle was introduced in the Bill, especially so far as the Cape was concerned. In the speech delivered by the Governor-General at the opening of the session there was not the slightest reference to the present measure, which apparently had been brought in as an afterthought, and something must have occurred after the Governor-General's speech was delivered, otherwise one could not conceive of such an important Bill being omitted from the speech. As it was the Bill would simply hang things up until the Commission reported, and now the House would be legislating in the dark. The vast majority of Natives had declared themselves to be against the Bill. He had had no desire whatever that party capital

should be made out of the measure -- (hear, hear) -- but he desired to see a measure which would bear the mark of statesmanship, and not of panic and hurry. Their Commission could report before next session, and then in the early stages of the session a Bill could be introduced and be adopted on its merits. In the interests of South Africa, in the interests of the Natives, and in the interests of just legislation let the Government withdraw the Bill, and appoint a Commission, and then justice and not injustice would be done. (Hear, hear.)

Dr. A. H. Watkins (Barkly) said that there was a tacit understanding that the Minister would refer this Bill, if he were not prepared to accept a purely temporary measure, to a Select Committee. During the three years of the Union Parliament every matter practically dealing with Natives had been brought before the Select Committee on Native Affairs and their opinion had been asked. For some reason, which it was difficult for him to understand, the Minister had not seen fit to carry out that course. Sixteen days had elapsed since the second reading of this Bill was taken on which the Select Committee could have sat morning after morning and dealt with the Bill.

The necessity of passing only a temporary measure instead of appearing to pass a measure which would permanently deal with this question, was more evident to-night than when they took the second reading.

Mr. H. M. Meyler (Weenen) said that he would support the motion of Sir Bisset Berry. He thought it would be a great injustice to the Natives, and especially the Natives of Natal, who really knew nothing of this measure, to force it through now. Since the second reading, his attention had been drawn to certain provisions in this Bill, which made it more dangerous still to hurry legislation, because he found that, although there was an exemption in the Bill as regarded agreements lawfully entered into, the vast majority of the agreements at present in force amongst the Natives of Natal were not strictly lawful, according to their Statute law. As they had no less than 380,000 Natives squatting on private lands in Natal, according to the Minister's own figures, it would be a fatal mistake to do anything to upset these people, until they had something ready to provide for them instead. The difficulty was that under the Natal law no oral contract was binding for more than twelve months, and many of those squatters had not got oral contracts, but were more or less on sufferance on the farms. It would be a great danger to pass legislation which would lead to the moving of a large portion of these people before they got an inch of land provided for their use. He objected to legislation being brought forward too hurriedly, and when they had got 4½ millions of Natives, only an infinitesimal portion of whom could possibly know the nature of the Bill, and seeing that it affected them as well as the white population, they had a perfect right to have it explained to them by the Government officials and let their members of Parliament for the divisions in which they lived give their opinions on the question. That would take months, and it was impossible to get a proper opinion of the Natives until hon. members had been away from the House for some time. The Right Hon. the Prime

Minister admitted they should stand as the guardians of the Natives, and admitted that they should go slowly, and he hoped the hon. Minister would be willing to reconsider the Bill and allow it to be put off, and let them have an interim report, at any rate, from the Commission, before they were asked to pass legislation in that matter.

The Bill was contested at every stage and numerous divisions were challenged. In each instance, the Speaker would put the Question, and the "steam-roller" would go to work with the inevitable result. The division lists ranged from 17 against 71 to 32 against 60, the majority in each case being in favour of repression. It would be just as well to give at least one of these division lists. The English names in the majority are those of some Natal members (Ministerialists) or representatives of purely Dutch constituencies: --

DIVISION

Dr. A. H. Watkins (Barkly) called for a division, which was taken with the following result:

AYES -- 32.

Andrews,
William Henry Baxter,
William Duncan Berry,
William Bisset Blaine,
George Boydell,
Thomas Brown,
Daniel Maclaren
Creswell,
Frederic Hugh Page Duncan,
Patrick Fawcus,
Alfred Fitzpatrick,
James Percy Henderson,
James Henwood,
Charlie Hunter,
David Jagger,
John William King,
John Gavin Long,
Basil Kellett Macaulay,
Donald Madeley,
Walter Bayley Meyler,
Hugh Mowbray Nathan,
Emile Oliver,
Henry Alfred Quinn,
John William Rockey,
Willie Runciman,
William Sampson,
Henry William Schreiner,
Theophilus Lyndall Searle,
James Smartt,
Thomas William Walton,
Edgar Harris Watkins,
Arnold Hirst
Morris Alexander and J. Hewat tellers.

NOES -- 57.

Alberts,
Johannes Joachim Becker,
Heinrich Christian Bosman,
Hendrik Johannes Botha,
Louis Brain,
Thomas Phillip Burton,
Henry Clayton,
Walter Frederick Cronje,
Frederik Reinhardt Currey,
Henry Latham De Beer,
Michiel Johannes De Jager,
Andries Lourens De Waal,
Hendrik Du Toit,
Gert Johan Wilhelm Geldenhuys,
Lourens Graaff,
David Pieter de Villiers Griffin,
William Henry Grobler,
Evert Nicolaas Grobler,
Pieter Gert Wessel Joubert,
Christiaan Johannes Jacobus Joubert,
Jozua Adriaan Keyter,
Jan Garhard Kuhn,
Pieter Gysbert Lemmer,
Lodewyk Arnoldus Slabbert Maasdorp,
Gysbert Henry Malan,
Francois Stephanus Marais,
Johannes Henoch Marais,
Pieter Gerhardus Merriman,
John Xavier Meyer,
Izaak Johannes Myburgh,
Marthinus Wilhelmus Neethling,
Andrew Murray Neser,
Johannes Adriaan Nicholson,

NOES -- continued

Richard Granville Oothuisen,
Ockert Almero Orr,
Thomas Rademeyer,
Jacobus Michael Sauer,
Jacobus Wilhelmus Serfontein,
Hendrik Philippus Smuts,
Jan Christiaan Smuts,
Tobias Steyl,
Johannes Petrus Gerhardus Steytler,
George Louis Theron,
Hendrik Schalk Theron,
Petrus Jacobus George Van der Merwe,
Johannes Adolph P. Van der Walt,
Jacobus Van Eeden,
Jacobus Willem Van Heerden,
Hercules Christian Venter,
Jan Abraham Vermaas,
Hendrik Cornelius Wilhelmus Vintcent,
Alwyn Ignatius Vosloo,
Johannes Arnoldus Watt,
Thomas Wilcocks,
Carl Theodorus Muller Wiltshire,
Henry
H. Mentz and G. A. Louw, tellers.

Footnotes:

1. It does not appear to have occurred to any one to call for a return showing transfers of land from blacks to whites.
 2. This gentleman died during 1913.
 3. Mr. Grobler forfeited his seat when he was convicted of complicity in the recent rebellion.
 4. Hon. J. W. Sauer, Minister of Native Affairs, died a month after the Bill became law.
 5. Creatures.
 6. By passing the Bill, the Government conceded all the extravagant demands of the "Free" Staters; yet, a year later they took up arms against the Government.
 7. By a "solution of the Native problem", "Free" State farmers generally mean the re-establishment of slavery.
 8. It will be observed that these and similar mythological disquisitions subsequently formed General Botha's assurances to Mr. Harcourt. See Chapter XVI. But some light is thrown on the subject of these visionary Native Reserves by Mr. Fawcus' speech based on official statistics (page 36 [above -- last Fawcus quote]).
 9. All efforts to induce the South African Government to circulate translations of the Natives' Land Act among the Natives of the Union have proved fruitless. (*Author.*)
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